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Report of the Special Rapporteur on the situation of human rights defenders

Note by the Secretariat

In his report, prepared pursuant to General Assembly resolutions 66/164 and 68/181 and Human Rights Council resolutions 16/5 and 25/18, the Special Rapporteur on the situation of human rights defenders, Michel Forst, provides a detailed summary of the activities he carried out during his first mandate, including statistics and trends based on the communications that he sent to States, his visits to a number of countries, the dialogues established with the authorities of various States, and the close cooperation developed with key stakeholders in the protection of human rights worldwide. The Special Rapporteur also presents the work in progress and the challenges and issues on which he plans to focus during his next mandate. The report includes suggestions for diversifying working methods, broadening the scope of cooperation with other key actors, and enhancing the visibility and accessibility of his mandate. Human rights defenders and the promotion of their work and their protection will remain at the core of the Special Rapporteur's work.

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I. Introduction

1. After spending the past three years travelling around the world and documenting the situation of human rights defenders, the Special Rapporteur is more appalled than ever to see attacks against them multiplying everywhere, assailing bloggers, indigenous peoples, journalists, community leaders, whistle-blowers and community volunteers. Furthermore, the Special Rapporteur has become convinced that the incidents in question are not isolated acts but concerted attacks against those who try to embody the ideal of the Universal Declaration of Human Rights in a world free from fear and want.

2. The Special Rapporteur is concerned by the lack of response to observations that have been made repeatedly since the establishment of the mandate. Even the reports of his predecessors Hina Jilani and Margaret Sekaggya made mention of certain difficulties and of the lack of strong and ambitious political action aimed at bringing a lasting end to attacks against defenders. How many human tragedies, how many imprisoned, tortured and murdered defenders must there be before the world realizes that such people are the lifeblood that our democracies need in order to flourish and survive over time?

3. We must be bolder and more creative in order to face up to threats that weigh heavily on civil society as a whole and on every individual fighting for fundamental rights and freedoms. The Special Rapporteur has also noted that intolerance thrives in part because people know little about their rights or the role of those who protect them. In that regard, it is more vital than ever to make the language of human rights accessible to all in order to ensure that civil society continues to enforce accountability.

4. The Special Rapporteur also believes that efforts and resources must be directed at ensuring that States respect the commitments that they have made. In recent decades, many standards of human rights protection have been adopted at the international level. The Special Rapporteur has observed that these standards, for the most part, are not implemented on the ground and that, when they are, they are too often applied haphazardly. In time, if these standards remain ineffective, we risk seeing entire populations lose hope and turn away from the struggle for human rights. As a matter of urgency, these standards must therefore become a reality on the ground.

5. The Special Rapporteur has decided that the present report should focus on the activities carried out between June 2014 and March 2017 (the period corresponding to his first mandate) to ensure that they are brought to the attention of the States and actors with which he has regularly engaged. This report is also an opportunity for the Special Rapporteur to give an account of his work to the many human rights defenders who, in complete confidence, have collaborated with him and his team over the past three years and, in some cases, exposed themselves to reprisals simply for having confided their tragic situations to him. The Special Rapporteur still recalls the words, expressions and smiles of the hundreds of defenders he met during those three years and feels responsible for the way in which the international community responds to their hopes and expectations.

6. As defenders face unprecedented attacks intended to undermine the legitimacy, credibility and sincerity of their commitment, it seems essential to quickly establish links between the specific actions undertaken by the Special Rapporteur and the pledges made at the United Nations when he was appointed in 2014. As populist, nationalist and fundamentalist movements of all kinds multiply, the Special Rapporteur remains convinced that more can be done under his mandate and that his office must continue to serve as a watchdog, a warning mechanism and a crucial resource for thousands of people.

7. Like his predecessors, the Special Rapporteur has sought to develop innovative working methods in order to be more effective and to better respond to defenders' need for

protection. This commitment to action is meaningful only if it is accompanied by objective assessments. That is why, in his view, it was essential to spend time reflecting on what has been implemented in order to analyse and assess the impact of all the work that he and his team have carried out over nearly three years. To that end, this report takes stock of the progress made and the challenges that lie ahead. It also identifies those areas in which, in view of the possible renewal of his mandate, the Special Rapporteur intends to become more involved so that his work remains relevant and responds as effectively as possible to defenders' expectations. This report should be seen not as an exhaustive exercise, but as a mirror held up to the action plan established in October 2014 (A/69/259).

8. Through this report, the Special Rapporteur has also sought to give a voice to those who, whether individually or through their organizations, worked with him within the framework of his mandate and made it possible to implement his road map.

II. The Special Rapporteur's mission and working methods

9. The mandate of the Special Rapporteur was established in 2000 by the Human Rights Commission to support the implementation of the 1998 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). Its main goals are to document and analyse the situation of defenders around the world, to make specific recommendations to better protect them and to enforce the provisions of the Declaration. To achieve these goals, the Special Rapporteur has a number of options at his disposal, ranging from country visits to communications on individual cases and participation in many public activities of either an academic or an institutional nature.

10. In carrying out the initiatives announced at the outset of his mandate, the Special Rapporteur received valuable support from a small team within the Office of the United Nations High Commissioner for Human Rights in Geneva. That team helped him, on a daily basis, to reply to numerous invitations to events and requests to assist defenders at risk. They also assisted in analysing the legal and administrative frameworks that hinder and sometimes even criminalize the work of human rights defenders and helped to arrange many meetings with States and defenders who travelled to Geneva during the sessions of the Human Rights Council.

11. Since March 2015, thanks to the support of the international community, the Special Rapporteur has also been assisted by a Paris-based colleague to enhance the accessibility and visibility of the mandate, in accordance with the commitment made by the Special Rapporteur when that mandate began. More information on the various initiatives and tools developed in this regard is provided below.

III. Projects undertaken between 2014 and 2017: implementation and outlook

A. Detailed analysis of trends and challenges

12. In accordance with Human Rights Council resolution 16/5 (A/HRC/RES/16/5), in which the Council requested the Special Rapporteur to study trends, developments and challenges in relation to the exercise of human rights, the Special Rapporteur started his mandate by organizing a series of regional consultations to enable defenders to share their experiences, to help him to better understand the types of threats that they face and to

identify emerging needs for protection. In 2014 and 2015, he therefore conducted seven regional consultations, which drew more than 500 participants from 110 countries. The main findings of these consultations are compiled in a report (A/70/217) submitted to the General Assembly in October 2015. These consultations provided an understanding of the overall situation of defenders and the functioning of the various protection systems established in recent decades.

13. It was during these exchanges, and through the many reports and documents submitted by civil society and partners involved in protecting defenders, that the Special Rapporteur became aware of the groundswell of coordinated attacks that seek to undermine and cause lasting damage to civil society. He is dismayed to note the increasing number of attacks intended to undermine the role of defenders, irrespective of the country or the area of human rights involved. In the face of these attacks, civil society is required to constantly reinvent itself and to adopt new strategies in order to continue to promote and protect human rights.

14. Although precise figures are difficult to obtain, the number of defenders killed around the world is continuously rising. This rise is in part the result of deliberate and concerted actions by persons capitalizing on major institutional weaknesses and the lack of political will to halt attacks and threats. The profound political shake-ups taking place on every continent and the growing numbers of actors who adopt ever more sophisticated strategies and tools to undermine human rights work oblige us, as never before, to refine our analysis of the situation of defenders.

15. The Special Rapporteur wishes to study these new paradigms in order to better understand the drivers and enablers involved. Mapping and analysis must be carried out to understand the environment or context in which defenders work and to adopt a far-sighted, preventive approach to risk in conjunction with measures to respond to emergency situations. In addition, in line with the work initiated in this area, the Special Rapporteur wishes to devote one of his future reports to the role played by businesses in threats and attacks against defenders. Similarly, he considers it essential to continue his predecessors' reflections on the impact that counter-terrorism policies and national security have on the criminalization of defenders' work.

16. The Special Rapporteur has also initiated a series of regional consultations on the impunity enjoyed by those who attack defenders. All too often, the perpetrators of such attacks are not convicted. The distress of victims and families who seek justice and reparation meets with indifference and even hostility on the part of law enforcement and judicial officers. It is therefore important to have a sharper understanding of the situation and to better identify the factors behind impunity so that specific recommendations can be made to States and other actors involved.

17. The Special Rapporteur furthermore plans to update the 2006 report on the situation of defenders in 118 countries (E/CN.4/2006/95/Add.5). This long-term project will make it possible to identify progress and setbacks and to pinpoint the efforts that need to be made, particularly in respect of the implementation of recommendations made in previous reports produced during the mandate. The Special Rapporteur intends to submit the updated report to the Human Rights Council in 2018.

18. The consultations conducted over the past three years have also led to greater understanding of the way in which defenders view and assess the work of protection mechanisms, whether these take the form of the guidelines drawn up by national Governments [1] and regional organizations, including the European Union and the

[1] Particularly Canada, Finland, Norway, Switzerland and the United States of America.

Organization for Security and Cooperation in Europe, or the legislation and national protection mechanisms developed in countries such as Brazil, Colombia, Côte d'Ivoire and Mexico. The role and position of the Special Rapporteur, as both a universal mechanism and an independent expert, have allowed him to take a comprehensive look at these issues and to shed light on the statements, which are sometimes critical, made by defenders about those in charge of such mechanisms.

19. In addition, the Special Rapporteur recently participated in drafting and promoting a model law on the protection of human rights defenders, an initiative fostered by the International Service for Human Rights which aims to help States to establish legislation that recognizes and protects such persons.

20. The Special Rapporteur plans to strengthen support for national mechanisms for the protection of defenders by holding consultations with them to determine trends and developments, enhance the sharing of good practices between such mechanisms and identify areas for improvement. Aware of the difficulties that currently hinder the implementation of these mechanisms, he wishes to use his technical expertise to help make these arrangements fully operational and effective.

B. Identification of the challenges faced by the human rights defenders who are most at risk with a view to providing for more effective protection

21. Since the start of his mandate, the Special Rapporteur has sought to acquire an in-depth understanding of the specific challenges faced by certain groups of defenders. Far from seeking to create categories of persons whose rights would be differentiated, he believed it was essential to analyse the causes and manifestations of the risks faced by some groups of defenders. This approach is essential to the task of proposing appropriate protection methods and providing better support to defenders working to promote fundamental rights.

22. The Special Rapporteur set up consultations with women defenders during each of his country visits. In total, over 15 meetings and consultations were held between June 2014 and January 2017 with the active support of women's rights organizations such as JASS (Just Associates) and the Association for Women's Rights in Development. While some may have found it difficult to appreciate the relevance of these exchanges, the feedback that the Special Rapporteur has received from participants has convinced him of the need to maintain this practice so that women defenders can express themselves independently of the representations made, often unconsciously, by some of their male counterparts. The Special Rapporteur therefore wishes to continue that process and make it part of all future field trips. According to JASS (Just Associates):

> In a context in which women defenders see their political participation threatened by a resurgence of violence and discrimination, the work of the Special Rapporteur Michel Forst has been essential in protecting and recognizing the critical contribution made by such women to the struggle for justice, equality and peace. The consultations held in different regions of the world and the communications issued by the mandate holder have helped to give a voice to hundreds of women defenders and women's rights organizations that are at risk. These consultations have also made it possible to identify the specific risks faced by women defenders and have promoted the establishment of protection mechanisms that incorporate a gender perspective.

23. Since he first established contact with human rights defenders, the Special Rapporteur has received information on the situations of defenders working on all aspects

of environmental rights. He has also been struck by the alarming reports, issued by many organizations, of the risks faced by persons committed to preserving natural resources and protecting the right to land. This led him to submit a report (A/71/281) to the General Assembly in 2016 on the situation of environmental rights defenders. His review of that situation enabled him to understand the complexity of systems that combine sophisticated enforcement techniques, unclear lines of accountability and national contexts in which corruption and impunity are rife. The Special Rapporteur intends to continue exploring certain aspects of this research by focusing his next report to the General Assembly on the roles and responsibilities of corporations in attacks on defenders.

24. According to Global Witness campaigner Ben Leather:

> The mandate holder has rightly identified environmental defenders as one of the groups that are most at risk. For us, whose work is to support these defenders, the mandate holder has addressed a number of critical issues in his innovative report that has proved useful in many ways. First and foremost, the report strongly and unequivocally stresses the importance of human rights defenders in fighting for our planet and our rights in the face of powerful private interests. Secondly, the report identifies the various actors who are seeking to hinder, threaten and attack defenders and highlights the changes that must take place, particularly in relation to private businesses and investment banks. Lastly, and perhaps most importantly, this report is far more than a mere document. It contains a straightforward analysis of the risk factors and clearly indicates how the numerous attacks against defenders can be stopped. It is by drawing inspiration from the strength of conviction, innovation and tenacity of defenders that the mandate can best support and protect them.

25. According to Marcos Orellana, Director of the Human Rights and Environment Program at the Center for International Environmental Law:

> The Center for International Environmental Law has prepared a report on the situation of environmental rights defenders in Latin America in collaboration with Article 19 and Vermont Law School. The contribution of the Special Rapporteur Michel Forst was very important in that it magnified the impact of this report, in particular through his support for the inclusion of specific provisions on defenders and the environment in the draft regional agreement on environmental democracy and access to information, public participation and access to justice in Latin America and the Caribbean.

26. Another particularly at-risk group is defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons. Discrimination and attacks against them are increasing at an alarming rate, partly as a result of the rise of religious fundamentalism around the world. In this regard, the Special Rapporteur welcomes the appointment of an Independent Expert on sexual orientation and gender identity and hopes to be able to collaborate with him to better protect persons working to defend the rights of lesbian, gay, bisexual, transgender and intersex persons.

27. In view of the possible extension of his mandate, the Special Rapporteur would like to review the situation of persons acting to defend the rights of migrants. In the light of the situation in Europe and other parts of the world, such as Africa, Oceania and Central America, this subject seems particularly relevant.

28. The Special Rapporteur would also grant particular importance to following up on his and his predecessors' recommendations regarding those groups of defenders that are most at risk. In that regard, it is essential that protective measures should take into account the specific risks faced by such groups. This entails giving them an active role in developing measures and mechanisms intended to protect them.

C. Closer cooperation with other mandate holders

29. Given that restrictions on freedom of expression and peaceful assembly and association are often the earliest signs of attacks intended to criminalize social protest and silence those working in human rights, the Special Rapporteur has sought to work more closely with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association. In this regard, they have carried out an increasing number of joint actions, particularly in relation to communications and public statements on persons who have received threats or are imprisoned and on draft legislation that poses a threat to civil society or defenders. Between 1 December 2014 and 30 November 2016, the Special Rapporteur sent 442 communications in conjunction with other mandate holders.

30. He also had the opportunity to draft a number of joint communications with other mandate holders, including the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on human rights and the environment.

31. Despite his colleagues' clear desire for cooperation and the richness of the discussions held at the annual meetings of special procedures mandate holders and in relation to specific cases, the Special Rapporteur sometimes finds that it is difficult to overcome a silo mentality in day-to-day work, given that each mandate holder has a heavy workload and different priorities for action. Nevertheless, he believes that a mandate such as the protection of defenders should be viewed from as cross-cutting a perspective as possible in order to develop a holistic approach to human rights issues.

32. If he is given the opportunity to continue his work under a second mandate, the Special Rapporteur intends to pursue and develop some joint activities, including the establishment of a database of national legislation on freedom of expression, association, peaceful assembly and the protection of defenders.

33. In addition, and against the backdrop of the implementation of Human Rights Council resolution 31/32 on defenders of economic, social and cultural rights (A/HRC/RES/31/32), adopted in March 2016, the Special Rapporteur intends to approach special procedures mandate holders in order to propose joint initiatives to provide defenders with better protection.

D. Improved follow-up of communications and country visits

34. Between 1 December 2014 and 30 November 2016, the Special Rapporteur and his team sent 693 communications (231 in 2014, 208 in 2015 and 254 in 2016) to States. These included 368 urgent appeals and 319 letters of allegations.

35. These 693 communications concerned the cases of 1,293 persons, including 278 women human rights defenders. Women were the subject of roughly 22 per cent of communications in 2014 and 21 per cent of communications in 2015. The figure for 2016 has not yet been established.

36. According to a regional breakdown of the statistics for communications sent between 1 December 2014 and 30 November 2016, the largest number of communications concerned the Asia-Pacific region (222 communications, or around 32 per cent of all those sent under the mandate). In addition, 131 communications (around 19 per cent of all communications) concerned the Americas and 128 communications (around 19 per cent) concerned the Middle East and North Africa. Communications concerning the regions of Europe and Central Asia and those concerning African countries accounted for 14 and 15

per cent of communications respectively (99 cases involved Europe and Central Asia and 109 involved Africa).

Summary of communications sent

	2014	*2015*	*2016*
Asia and Pacific Region	80 (35%)	66 (32%)	ca 76 (30%)
The Americas	49 (21%)	41 (20%)	ca 41 (16%)
The Middle East and North Africa	37 (16%)	34 (16%)	ca 57 (23%)
Europe and Central Asia	37 (16%)	32 (15%)	ca 30 (12%)
Africa	26 (11%)	34 (16%)	ca 49 (19%)

37. While these figures allow some trends to be discerned, it is important to bear in mind that they do not reflect cases not covered by the mandate. Many defenders and their families are unaware that they can contact the Special Rapporteur and, given the urgency of the situations concerned, they sometimes prefer to turn to mechanisms or organizations that provide very short-term solutions.

38. As the Special Rapporteur has mentioned in his previous reports, he is very concerned about the recurrent and systemic weaknesses of the current communications mechanism. This mechanism, which many defenders consider to be their last resort, is severely hampered by the lack of cooperation of States that fail to reply to letters or send incomplete replies. These challenges are exacerbated by the fact that there are insufficient human resources to manage the ever-growing number of requests and to establish appropriate follow-up. At the present time, and despite enhanced cooperation between the teams supporting the Special Rapporteurs, it is possible to address only a limited number of requests to act on behalf of threatened defenders. Difficult choices must be made every day as there is insufficient capacity to respond to some urgent appeals. This is not acceptable.

39. Moreover, many people who submit files are informed that their claim is being considered only by an automatic e-mail acknowledging that it has been received. These individuals are then given no further information about how their claim will be processed and may remain in a state of uncertainty for weeks. Without breaking with the principle that communications between the mandate holder and the States concerned should remain confidential, it seems essential that both qualitative and quantitative improvements should be made to the system. Aware that such a change would go well beyond his mandate, the Special Rapporteur would like to consider it together with other mandate holders and with the support of the Office of the High Commissioner for Human Rights in order to respond to the expectations and needs of thousands of people on the ground.

40. For the reasons given above, and in view of a possible second mandate, the Special Rapporteur intends to carry out an analysis of communications and to propose ways of dealing with them. He also intends to examine the role that national actors, such as national human rights institutions or ombudsmen, can play in follow-up to communications. In addition, he plans to more systematically follow up on the communications sent to States and to send repeated reminders to countries that do not reply, or give unsatisfactory replies, to communications received.

41. Lastly, over the course of his discussions with persons on the ground, the Special Rapporteur came to realize that his reports on communications were largely passing unnoticed and were seldom used by defenders and the various stakeholders involved in protecting them. The Special Rapporteur therefore plans to take steps to ensure that these reports, whose contents are highly instructive, are made more accessible to key stakeholders. To that end, he intends to give thought to the question of how to improve the

centralization of information by country and to facilitate the use of the information contained in the reports. The Peruvian defender César Estrada stated that:

> Between 2011 and 2015, my family and I lived through a very difficult period. Despite the protective measures made available by the Inter-American Commission on Human Rights, which were not applied, we were constantly targeted by threats, murder attempts and repression. It was then that I made contact with Michel Forst and my situation became known well beyond my own country. His work as Special Rapporteur is extremely important for all defenders around the world.

42. With regard to follow-up to country visits, the Special Rapporteur has noted that the recommendations contained in reports conveyed at the end of official visits are often not implemented. He therefore intends to hold a series of workshops to bring together State and non-State national actors with a view to identifying not only the progress made in protecting defenders, but also any possible areas for improvement. At the end of these workshops, a report will be submitted to the Human Rights Council as an addendum that will include an assessment of the implementation of recommendations and, where appropriate, additional recommendations.

E. Promotion of closer cooperation with all the parties concerned

43. In keeping with the actions undertaken by his predecessors, the Special Rapporteur has sought to develop closer ties with individuals and institutions engaged in protecting human rights defenders. As was announced in his road map, the Special Rapporteur has carried out a number of activities with States, the United Nations, regional mechanisms for the protection of human rights defenders, national human rights institutions, non-governmental organizations (NGOs) and regional courts.

States

44. Because they have primary responsibility for protecting human rights defenders and for ensuring respect for human rights, States have been treated as privileged partners and the Special Rapporteur has sought to strengthen his relationships with them. During his mandate, he conducted four official visits (Burundi in 2014 and Australia, Azerbaijan and Hungary in 2016). He has repeatedly raised the difficulties encountered in setting up country visits, including the lack of responsiveness by States, as a result of which he conducted no official visits in 2015. The Special Rapporteur is already in discussion with the Government of Peru with a view to conducting an official visit during the second half of 2017. He has also sent visit requests to the authorities of Afghanistan, Israel, Nicaragua, Paraguay, Serbia and the State of Palestine, as well as to Kosovo.[2]

45. The Special Rapporteur also planned follow-up visits to countries that had been visited by his two predecessors in order to discuss, with the Governments of those countries and with other stakeholders, the actions taken in follow-up to the recommendations contained in the mission reports. The Special Rapporteur is also mandated to provide assistance with practical initiatives aimed at improving the protection of human rights defenders. In that capacity, he has proposed to the authorities of Serbia and Kosovo that visits should be conducted over the next three years.

46. The Special Rapporteur has engaged in discussions with representatives of numerous countries during sessions of the Human Rights Council in Geneva and of the

[2] All references to Kosovo in the present document should be understood to be in full compliance with Security Council resolution 1244 (1999), without prejudice to the status of Kosovo.

General Assembly in New York, as well as in the field when on academic assignment or upon invitation by regional defender networks. Thus, between 2014 and 2017, he met with representatives of Canada, Colombia, Costa Rica, France, Germany, Honduras, Ireland, Mexico, Mongolia, Norway, Serbia, Sweden and the United States. Even though such meetings take place outside the framework of official country visits, the Special Rapporteur believes that they are no less essential in facilitating information-sharing and in strengthening the dialogue with his office. He extends thanks to the States that made their representatives available for such meetings and encourages the Governments of countries that receive similar requests to respond positively to them.

47. If the Special Rapporteur has the opportunity to continue his work under a second mandate, he will further such discussions and will explore additional options with the States involved, for instance, establishing a network of countries that have taken measures towards protecting human rights defenders. In that connection, he believes that it is important to facilitate opportunities for dialogue between States to foster the sharing of good practices and to improve follow-up on recommendations. He would also like to explore ideas such as the designation of focal points, in ministries and embassies, who would be tasked with monitoring the situation of human rights defenders, and the inclusion of a section on defenders in all reports submitted under the universal periodic review.

48. In addition, the Special Rapporteur intends to offer his technical expertise to States in training police officers on issues facing defenders and on the need to provide better support to those persons when they wish to file complaints and receive police protection.

49. Lastly, as part of efforts to better protect defenders who promote corporate responsibility, the Special Rapporteur would like to offer his assistance to countries that seek to include a section on defenders in their national action plans.

United Nations

50. The Special Rapporteur has also sought to enhance cooperation with the United Nations. He attended meetings and events organized by regional and country offices during his trips and was pleased to find partners in the field who appreciated his concerns and were willing to develop joint initiatives. The Special Rapporteur welcomes projects such as the Commentary to the Declaration on Human Rights Defenders, which was compiled by regional and country offices of the Office of the United Nations High Commissioner for Human Rights in Central and South America and to which he contributed.

51. The Special Rapporteur would like to organize joint workshops over the next few years in order to strengthen the implementation of resolutions and recommendations on the situation of defenders and to increase the sharing of good practices. It is equally important to improve the sharing of information, in particular information being conveyed from the field to the Special Rapporteur, so as to be more responsive when draft legislation jeopardizes the situation of defenders in a given country.

52. Enhanced cooperation with resident coordinators and United Nations agencies and programmes is needed. The Special Rapporteur's interactions with other actors have revealed a lack of visibility and understanding of his mandate and, more generally, a lack of knowledge even within the United Nations about the situation of defenders. He has therefore sought to foster better coordination with institutions such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the International Labour Organization (ILO), the United Nations Development Programme (UNDP) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). It would also be useful to develop training and outreach workshops for staff of those institutions and to raise their awareness about the recommendations contained in the Special Rapporteur's reports and the links between them and the issues at the core of those

institutions' missions. A noteworthy example would be the recommendations on women defenders or defenders working on development projects or on the protection of ethnic and cultural minorities.

53. With regard to peacekeeping missions, the Special Rapporteur also met several times with representatives of the Department of Peacekeeping Operations, in New York, with whom he discussed the possibility of conducting joint initiatives with missions. This is one of the issues he would like to take action on, as a matter of priority, during his second mandate, for instance, by engaging with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

Regional mechanisms

54. Cooperation with regional mechanisms for the protection of human rights defenders was enhanced by increasing the frequency and quality of interaction with the mechanisms, including by holding inter-mechanism meetings. Between June 2014 and November 2016, four inter-mechanism meetings were held between Paris, Geneva, Strasbourg and Brussels.[3] In this regard, the Special Rapporteur is pleased with the many initiatives carried out jointly with the Council of Europe Commissioner for Human Rights and with the Rapporteur on human rights defenders of the Inter-American Commission on Human Rights, including joint public communications and events held in the field. In addition, he attended meetings held by the International Organization of la Francophonie, the Organization for Security and Cooperation in Europe and the European External Action Service. If the Special Rapporteur's mandate is renewed, he will seek to strengthen collaboration with the Special Rapporteur on the situation of human rights defenders of the African Commission on Human and Peoples' Rights and to develop initiatives during the sessions of the African Commission, which he plans to attend in 2017.

55. The three accounts below attest to the significant cooperation enjoyed with regional mechanisms. According to Nils Muižnieks, Commissioner for Human Rights of the Council of Europe:

> Close cooperation with the universal human rights system and regional mandate holders plays a significant role in my efforts to protect and support human rights defenders in Europe. I collaborate regularly with the United Nations Special Rapporteur on countries where the situation of human rights defenders is very challenging. I am convinced that by working together we will effectively combat impunity for attacks on defenders and prevent the worsening of their working environment.

56. According to José de Jesús Orozco, Rapporteur on human rights defenders of the Inter-American Commission on Human Rights:

> The mandate of the Inter-American Commission on Human Rights regarding the situation of defenders highlights the crucial need for cooperation with the United Nations mandate holder on the issue of defenders. In addition to strengthening the roles of the two systems, such cooperation has underlined the need to redouble our efforts to promote and protect human rights in the Americas and to address, specifically, the plight of the defenders in the region. The result has been numerous joint initiatives, including public statements, meetings, thematic reports, activities in

[3] These inter-mechanism meetings are organized and facilitated with the support of the World Organization against Torture and the International Federation for Human Rights Leagues, to which the Special Rapporteur extends his thanks.

the field, regular information-sharing and the participation of the Special Rapporteur, Michel Forst, as an expert before the Inter-American Court of Human Rights.

57. According to Salvatore Saguès, programme specialist at the International Organization of la Francophonie:

> During the period 2014-2017, the International Organization of la Francophonie further developed its collaboration with the Special Rapporteur through inter-mechanism meetings of defenders and other activities, which provided the Special Rapporteur with an opportunity to present his mission and working methods. We were then able to provide improved protection for defenders in the French-speaking world by helping them to better understand their rights and the risks that they face.

58. The Special Rapporteur appreciates the valuable cooperation of the European Union, with which he has carried out numerous activities. He met several times with the Working Party on Human Rights of the Council of the European Union and with the European Parliament. He also met with the delegations of the European Union during his visits to the field; it was during those meetings that he discussed the implementation of the European Union guidelines on human rights defenders. He thanks those delegations, which have provided assistance in a number of situations by facilitating interaction with civil society and with the most isolated defenders.

Parliaments

59. During his mandate, the Special Rapporteur has intensified his interaction with parliaments. Parliaments are, in his view, key players in the implementation of the Declaration on Human Rights Defenders at the national level. He has appeared before the parliaments of France, Germany and the United Kingdom in order to present his mandate and to explore avenues for joint action; he has, moreover, already raised the possibility of future activities with other parliaments, such as the Italian Parliament. Examples of such future opportunities include the designation of focal points within parliaments, in order to monitor the situation of defenders; and cooperation with parliaments of countries that are debating bills that present potential risks for defenders, in which case direct cooperation between parliamentarians would be beneficial.

Universities

60. Recognizing that academia is a place where knowledge thrives and that it presents a unique opportunity for meeting students, the Special Rapporteur has sought to strengthen cooperation with academic institutions. Having spoken before a large number of university audiences, which proved extremely useful, he then proposed that academic institutions in Paris, Berlin, York (United Kingdom) and Sydney (Australia) should join forces with his mandate to provide practical assistance in developing necessary concepts and tools. According to Martin Jones, the Centre for Applied Human Rights at the University of York:

> The Centre for Applied Human Rights at the University of York attaches great importance to its work with the Special Rapporteur and welcomes in particular his collaborative approach, which combines research and the practical experiences of defenders at risk. A recent example of our collaboration is the support we provided with a global survey on good protection practices, the results of which informed the report submitted by the Special Rapporteur to the Human Rights Council. The report is innovative in that it presents a number of solutions to the problems faced by defenders and also a very useful set of criteria for evaluating protection practices (or, more accurately, a set of principles that should guide our activities).

Businesses

61. In June 2016, the Special Rapporteur began to hold meetings with companies and business federations,[4] including with extractive industries during his most recent trips, as announced at the outset of his mandate. He is pleased to note that many businesses are increasingly aware of the impact of their activities on human rights. Businesses, especially those working in the extractive and wood industries or with hydroelectric megaprojects, are often mentioned in cases of violence perpetrated against defenders. It therefore seems crucial to engage them in a frank and constructive dialogue with a view to helping them establish mechanisms to prevent the development of tragic situations in the field. Various options are being explored to improve defenders' participation in development projects and in the setting up of mechanisms for redress and remedies in case of violations. The Special Rapporteur plans to continue working on this topic; his next report on businesses will include practical recommendations to businesses and other stakeholders, such as States and national and international development institutions.

62. The Special Rapporteur also intends to engage directly with businesses in cases where defenders are at risk or come under attack because of actions taken that relate to those businesses' corporate responsibility. It is essential to inform businesses, particularly parent companies, when such cases are referred to the Special Rapporteur, and to give them the opportunity to provide information on the steps that they themselves, as well as their affiliates and local contractors, have taken to remedy the situation. This is consistent with the search for systemic and long-term solutions for reducing risks for defenders.

Regional courts

63. In an effort to revitalize his mandate's working methods, the Special Rapporteur has sought to develop cooperation with regional courts, for instance, by serving as an expert before the Inter-American Court of Human Rights. He intends to continue such efforts through amicus curiae and third-party interventions and by serving as an expert on individual cases before other regional courts such as the European Court of Human Rights and the African Court on Human and Peoples' Rights.

Other actors

64. The Special Rapporteur also considers it important to increase contact with less visible actors such as donors, banks and development agencies, as well as trade unions, whose role in protecting defenders is sometimes critical. With that in mind, he held an initial meeting with the World Bank in Washington, D.C. and a few regional development and investment banks on the issue of retaliation against whistle-blowers. That meeting should be followed by further consultations and collaboration in 2017.

F. Wider dissemination of good practices

65. Since the beginning of his mandate, the Special Rapporteur has sought to highlight good practices relating to the protection of defenders. Many initiatives exist, but they often suffer from lack of visibility or of connections to other initiatives. The Special Rapporteur therefore devoted a report (A/HRC/31/55), based on his visits and interactions with various actors, to identifying good practices with a view to their dissemination and intensification. Providing examples of successful initiatives, in which tangible solutions are applied to the problems faced by defenders, is often the best way to convince others of the suitability and effectiveness of such initiatives.

[4] In Australia, Canada and France.

66. Through his discussions with relevant stakeholders, the Special Rapporteur has been made aware of countless initiatives that offer practical solutions to defenders' problems, ranging from relocation programmes and national protection mechanisms to the establishment of national and regional networks. If given the opportunity to continue his work under a second mandate, the Special Rapporteur intends to further strengthen some of these initiatives, such as the cities of refuge network and regional and subregional defender networks. A number of these networks require additional support; the Special Rapporteur intends to provide capacity-building assistance to some of these networks, which have become essential in ending the isolation that defenders sometimes experience in the field and to take action when people are at risk.

G. Greater visibility for the situation of defenders and the continued dissemination of the Declaration on Human Rights Defenders

67. The Special Rapporteur remains deeply concerned at the lack of visibility and of recognition of defenders' work. He notes that there is often a disconnect between public opinion and the active community of human rights defenders. The lack of understanding around the role of defenders is a formidable means used by some States to pit entire sectors of the population against one another and to undermine the situation of people who are working to protect human rights and freedoms. If people do not understand the role of human rights defenders, it is largely because we have not been successful in explaining it to them and because too often we remain bound by institutional or legal jargon. This helps to perpetuate the misconception that the struggle for human rights is the privilege of an erudite minority oblivious to everyday reality. The Special Rapporteur would like to do some case studies and focus more on individual testimonies in his messages to emphasize that ordinary heroes are first and foremost mere individuals motivated by their hope for a better world. It is also crucial to take advantage of the twentieth anniversary of the Declaration on Human Rights Defenders, in 2018, to bring together all the various stakeholders and to launch ambitious initiatives aimed not only at familiarizing more people with the Declaration, but also to demonstrate the essential role of defenders in safeguarding democracy and basic rights. The Special Rapporteur intends to make films, web documentaries or short videos to present, in a fun and accessible manner, the Declaration and major resolutions on the protection of defenders. He also plans to develop partnerships and thus work more closely with schools, universities and vocational training institutions in order to meet young people and show them the relevance of the struggle for human rights.

68. It is not only the general public who is unfamiliar with the Declaration on Human Rights Defenders. During the Special Rapporteur's numerous discussions with defenders, many admitted that they themselves were unaware of or not sufficiently familiar with the Declaration. Too often, the Declaration is seen as abstract or is not understood by the people it was designed to protect. However, the Declaration is meaningful only if it is applied on a daily basis. The Special Rapporteur has therefore developed tools to clarify the contents of the Declaration and make it more accessible, using infographics and posters available online and in hard copy. The Declaration will soon be translated into several new languages and dialects, making it accessible to even more people.

69. All of these initiatives will be inadequate if they are not appropriately disseminated through various communication channels. Increased media coverage will therefore be necessary. The Rapporteur has published opinion pieces in various international dailies, including on the consequences of counter-terrorism laws for defenders and on the spread of attacks on environmental defenders.

70. Increasing visibility will also require support from regional and national partners, such as United Nations country offices. The Special Rapporteur welcomes the firm

declarations of support by the United Nations High Commissioner for Human Rights and the fact that some regional offices have paid tribute to the work of defenders and have condemned legislative developments aimed at criminalizing their work. Other initiatives, such as the designing of new tools and means of communication, should also be explored. It would be particularly useful, for defenders, to produce summaries of the recommendations contained in the Special Rapporteur's reports and their application to national and regional contexts.

71. It is important to seek support from intermediaries other than the United Nations. In that connection, the Rapporteur intends to establish closer ties with embassies, national human rights institutions, philanthropic organizations, universities and international networks, including networks of lawyers and trade unions, and thus leverage the dissemination of information and reach new audiences.

72. Moreover, the Special Rapporteur, recognizing his responsibility to raise awareness about the situation of defenders, was eager to rapidly develop tools that facilitate greater access to information about the various issues that his mandate seeks to address. He therefore decided to strengthen his mandate's visibility on digital media, including through a multilingual website that presents, in an accessible manner, his mandate's mission and working methods and highlights his activities as Special Rapporteur. In just a few months, over 10,000 people have visited the website, the visibility of which he now hopes to increase further so as to reach as many people as possible.

73. A simpler version of the Special Rapporteur's reports, targeted at the general public, has been developed and distributed during his numerous trips. He also recently designed a brochure, now available in three languages, to explain the role of the Declaration, the importance of defenders' work, and his mandate. He has strengthened his presence on social media. The ever-increasing number of accounts created is proof of the interest and concern of the general public with regard to human rights and the situation of those who promote them.

74. The Rapporteur wishes to continue these efforts and to develop attractive, easy-access tools to explain some of the recommendations contained in his reports and to showcase the progress achieved and success stories in the protection of human rights defenders.

75. The Special Rapporteur has sought to make himself more available to defenders who live in remote areas or who otherwise find it challenging to interact with his office. He has organized online discussions and webinars, bringing together defenders and civil society organizations from various parts of the world. Three online discussions held between August and December 2016 attracted the participation of 70 defenders, the majority of whom had never been in contact with the Special Rapporteur's office. The participants' feedback confirmed that such activities were essential for forging closer ties with the field and thus bringing some defenders out of isolation, without having to deal with budgetary or geographical constraints. Further discussions are already in preparation; they will focus on ways that the Special Rapporteur's recommendations and resolutions on human rights defenders can be conveyed to the field and put into practice there.

H. Action against impunity and reprisals

76. The issue of reprisals has remained a matter of concern throughout the Special Rapporteur's mandate. Between 1 December 2014 and 31 July 2016, the Special Rapporteur sent 55 communications relating to reprisals against groups of defenders or individuals who had worked with the United Nations or other international organizations

for the protection of human rights (32 communications were sent in 2014; 11 were sent in 2015; and 12 were sent in the first half of 2016).

77. The decline in cases of reprisals is deceptive. It does not account for many of the tragedies experienced by defenders on the ground or for the perverse effect of such acts on the whole of civil society in its struggle to protect human rights. The Special Rapporteur has observed that reprisals take the form of threats, surveillance, prohibition from leaving a country, arrests on spurious grounds and physical attacks against defenders and their families. They may be intended mainly to affect individuals and their families, but they also hamper any form of long-term cooperation, thus isolating a country's civil society from the rest of the international community.

78. The Special Rapporteur was shocked by the way in which many individuals whom he met in Geneva or during his trips abroad had suffered attacks, including sometimes at the United Nations itself. It is absolutely crucial that all stakeholders take action against such attacks, which threaten the very functioning of the United Nations, itself founded on dialogue and international cooperation.

79. The Special Rapporteur welcomes the fact that the Assistant Secretary-General for Human Rights, together with the Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights, has been appointed by the Secretary-General to lead the efforts of the United Nations to put a stop to reprisals against those who cooperate with the Organization on human rights issues. He hopes that this new initiative will enhance responsiveness and result in measures that have a direct impact on specific cases, and not limit themselves simply to recording the facts. According to Mukunda Kattel, Director of the Asian Forum for Human Rights and Development (FORUM-Asia):

> The mandate holder has helped to connect defenders in the field with international defender protection mechanisms. This link has proven essential for giving courage and energy to those who promote and protect human rights, sometimes in difficult or even adverse conditions. It has also put some pressure on States to respect their human rights obligations. Together, these various measures have made it possible to respond in part to the problem of reprisals and impunity.

IV. Conclusions

80. **In just 20 years, the world that witnessed the signing of the Declaration on Human Rights Defenders has undergone significant changes. Nevertheless, the hopes raised by that Declaration remain alive. The same is true of the legitimate aspirations of millions of people: to live in a society that is freer, more just, more egalitarian, and where every person is able to enjoy their human rights. Those who are fighting for this to become a reality should be recognized as the heroes of our time. All too often, defenders have sacrificed their lives and their families' safety so that we may have access to decent housing, good-quality education, or simply be able to vote or to express ourselves without fear. These brave women and men continue to be vilified, threatened and attacked throughout the world. Every day, every week, there are insidious attempts to destroy years of hard work aimed at better protecting defenders. When human rights defenders are attacked, it is ultimately democracy that comes under threat.**

81. **Today, recognizing the tragic and seemingly hopeless situations facing so many defenders is no longer the issue. Indeed, time and again, their plight has been reported, condemned and communicated by many. This dire situation does not allow us the luxury of sitting back and waiting. Let there be no doubt. It is our moral responsibility to embody the ideals of the Universal Declaration of Human Rights and**

it is urgent to take action. At the core of the Special Rapporteur's mandate is the duty to ensure that every effort is made so that people no longer have to die anywhere in the world for having defended human dignity and human rights.

82. While there is no denying the current plight of defenders, the Special Rapporteur is conscious of the many initiatives carried out by committed individuals and institutions determined to improve the situation of defenders. He is convinced, now more than ever, of the need to develop synergies between the complementary roles of all stakeholders.

83. When the Special Rapporteur took up his functions in 2014, he knew that the expectations regarding his mandate were at least as great as the threats to the individuals who defend human rights and freedoms. He sought to open new doors and to push the limits of the mandate. Having benefited from a vast number of meetings and activities conducted over the past three years, he would like to continue and intensify these initiatives and give them time to bear fruit. The activities covered in this report therefore represent a work in progress. The Special Rapporteur is particularly keen to strengthen initiatives to improve the implementation of recommendations and resolutions on the protection of defenders. To that end, he would like to develop tools to measure their implementation and to focus on strengthening the capacities of national actors to act on recommendations and resolutions and make them a reality on the ground.

84. Rather than constituting a static programme of action, the proposals contained in this report should be understood as key areas of focus. The Special Rapporteur wishes to retain some flexibility in responding to requests that might arise during his second mandate. It is important to pay particular attention to new trends and alerts from civil society and the various actors involved in protecting defenders.

V. Recommendations

85. The Special Rapporteur recommends that States:

(a) Implement the Declaration on Human Rights Defenders;

(b) Implement resolutions on the protection of defenders and monitor their continued implementation;

(c) Publicly recognize and support the work of defenders through publicity campaigns and specific communication and information initiatives;

(d) Develop holistic measures for protecting defenders based on the seven principles set out in his report to the Human Rights Council in March 2016 (A/HRC/31/55);

(e) Invite him to conduct official country visits, without limiting the duration or scope of such visits, inter alia, for the purpose of meeting with defenders who live in remote areas and cannot travel;

(f) Respond to requests for information sent by his office, particularly in respect of cases of defenders at risk, by providing any information necessary for an optimal evaluation of situations of concern;

(g) Remove the obstacles that some domestic laws place on the legitimate activities of defenders engaged in promoting and protecting human rights, including by ensuring respect for the rights to freedom of peaceful assembly and freedom of association.

86. **The Special Rapporteur encourages the United Nations to:**

(a) **Further promote the Declaration on Human Rights Defenders by ensuring that it is accessible to the greatest number of people;**

(b) **Continue to document and alert the international community to the numerous reprisals against defenders who cooperate with the United Nations;**

(c) **Develop a database to monitor the implementation of resolutions and laws that have an impact on the situation of defenders;**

(d) **Disseminate the Declaration on Human Rights Defenders and the Special Rapporteur's reports through the various institutions and the regional and country offices, and develop training and information initiatives for State officials in order to raise their awareness of the role of defenders in the promotion and protection of human rights.**

87. **The Special Rapporteur recommends that national human rights institutions:**

(a) **Designate focal points within the institutions to monitor the situation of defenders in their country and hold regular meetings with those focal points;**

(b) **Take effective measures to protect human rights defenders when they are in danger;**

(c) **Participate in following up on the Special Rapporteur's recommendations;**

(d) **Include coverage of the situation of defenders in the information submitted within the framework of the universal periodic review.**

88. **The Special Rapporteur encourages civil society to:**

(a) **Develop innovative measures to familiarize the general public with the work of defenders, including as part of the celebration of the twentieth anniversary of the Declaration on Human Rights Defenders;**

(b) **Participate actively in promoting gender equality and combating all forms of discrimination against women human rights defenders, including in their own organizations;**

(c) **Continue to send information to the Special Rapporteur on a regular basis, including on any draft legislation that may jeopardize the safety and the work of defenders;**

(d) **Help to develop national and regional defender networks and to strengthen existing networks.**